

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:19-CV-00508-FDW-DSC**

<b>SAUER BRANDS INC. ,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>DUKE SANDWICH PRODUCTIONS</b>	)	
<b>INC. et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

---

**THIS MATTER** is before the Court on Plaintiff's and non-party Falfurrias Capital Partners' "Joint Motion to Quash Subpoenas" (document # 29), "Plaintiff's Motion to Compel" (document #32) and "Defendants' Motion for Protective Order" (document #31), as well as the parties' briefs and exhibits.

Plaintiff and Falfurrias seek to quash Subpoenas Defendants served on Falfurrias and Plaintiff's former corporate counsel William Mullens. For the reasons stated in Plaintiff's brief, the Motion to Quash is granted as to the Mullens Subpoena. For the reasons stated in Defendants' brief, the Motion to Quash is denied as to the Falfurrias Subpoena.

Plaintiff's Motion to Compel seeks an order compelling Defendants to serve complete responses to Plaintiff's First Sets of Interrogatories and to produce specified individuals for depositions on or before July 31, 2020. For the reasons stated in Plaintiff's brief, the Motion to Compel is granted as to the interrogatories.

Defendants' Motion for Protective Order addresses the same depositions which Plaintiff previously noticed for dates in June 2020. The Court concludes that the depositions should

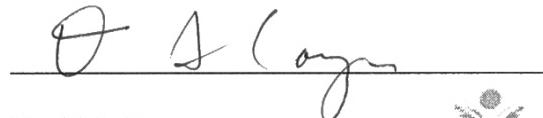
proceed on mutually agreed dates and times on or before July 31, 2020. Accordingly, Plaintiff's Motion to Compel and Defendants' Motion for Protective Order are granted in part and denied in part.

**THEREFORE IT IS HEREBY ORDERED that:**

1. Plaintiff's and Falfurrias Capital Partners' "Joint Motion to Quash Subpoenas" (document # 29) is **GRANTED IN PART** and **DENIED IN PART** that is, **GRANTED** as to the Mullens Subpoena which is **QUASHED**, and **DENIED** as to the Falfurrias Subpoena.
2. "Plaintiff's Motion to Compel" (document #32) and "Defendants' Motion for Protective Order" (document #31) are **GRANTED IN PART** and **DENIED IN PART**, that is:
  - a. Within fifteen days of this Order, Defendants shall serve complete supplemental responses without objections to Plaintiff's First Sets of Interrogatories. In the event Defendants contend they have previously served such responses, they must so state in a verified discovery response.
  - b. Defendants shall make available the specified witnesses for deposition on or before July 31, 2020, at a date, time and location mutually agreeable to the parties.
3. The parties shall bear their own costs at this time.
4. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: July 2, 2020

  
\_\_\_\_\_  
David S. Cayer  
United States Magistrate Judge

